

# CITY COUNCIL AGENDA

**MARCH 25, 2008**

**AMENDED AGENDA**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
DAVID D CORTESE, VICE MAYOR  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 3)**  
\* Rev. Nancy Palmer Jones, First Unitarian Church of San José
- **Pledge of Allegiance**
- **Orders of the Day**  
\* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation declaring the month of April as National Fair Housing Month. (Housing)
- 1.2** Presentation of a commendation to Richard Chavez for his excellent efforts in working within the community and inspiring thousands of farm workers to fight for their human rights. (Cortese)  
\* (Rules Committee referral 3/19/08)

## 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) [Green Vision Study Session Minutes of February 1, 2008.](#)
- (b) [Regular Minutes of February 5, 2008.](#)
- (c) [Special San José Financing Authority Meeting Minutes of February 15, 2008.](#)

\* (Deferred from 3/18/08 – Item 2.1)

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) [ORD. NO. 28271](#) – Amending Title 14 of the San José Municipal Code, the Public Works and Improvements Code, to add a new Chapter 14.31 to set forth procedures for Community Benefit and Improvement Districts.

### 2.3 [Office of the City Auditor's Report.](#)

**Recommendation:** Acceptance of the Office of the City Auditor's *Report of Activities for the Period January 16 through February 15, 2008.* (City Auditor)

### 2.4 [Extend the San José State University Pilot Homebuyer Program.](#)

**Recommendation:**

- (a) Adoption of a resolution:
  - (1) Extending the San José State University (SJSU) Pilot Homebuyer Program through FY 2008-2009.
  - (2) Approving a new \$500,000 commitment to the SJSU Homebuyer Program in the Multi-Source Housing Fund (Fund 448).
- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund for FY 2007-2008.
  - (1) Increase the SJSU Teacher Home Program appropriation by \$650,000.
  - (2) Increase the Estimated Earned Revenue by \$650,000.

CEQA: Not a Project. (City Manager's Office/Housing)

## 2. CONSENT CALENDAR

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### 2.5 [Funding Commitment to provide Second Mortgages to the Works Development.](#)

**Recommendation:** Adoption of a resolution approving a funding commitment of up to \$100,000 to provide second mortgages of up to \$50,000 each to low- or moderate-income households for the purchase of one of the remaining two affordable units at The Works Development, located at the corner of Patterson and South Third Streets in the Spartan Keyes Strong Neighborhood Initiative Area. CEQA: Not a Project. Council District 3. SNI: Spartan Keyes. (Housing)

### 2.6 [Report on bids and action related to the Curb Ramp Improvements to Low-to-Moderate Income Areas.](#)

#### [Supplemental – Memo from the Director of the Department of Transportation](#)

- \* **Recommendation:** Acceptance of the staff report on bids and award of the contract for the 2007-2008 Curb Ramp Improvements in Low-to-Moderate Income Areas Project (Project) to the lowest responsive bidder, JJR Construction in the amount of \$474,533, and approval of a ten percent (10%) contingency in the amount of \$47,453, for a total contract amount of \$521,986. CEQA: Exempt, File No. PP05-212. Council Districts 3 and 5. SNI: East Valley 680/Mayfair/Delmas Park/Spartan-Keyes & Five Wounds-Brookwood Terrace. (Transportation)

### 2.7 [Excused Absence for Councilmember Chirco.](#)

**Recommendation:** Request for an excused absence for Councilmember Chirco from the Regular Meeting of the Rules and Open Government Committee on March 5, 2008 due to illness. (Chirco)  
(Rules Committee referral 3/12/08)

### 2.8 [Councilmember Nguyen's Travel to Little Rock, Arkansas.](#)

**Recommendation:** Approval of travel by Councilmember Nguyen to Little Rock, Arkansas on April 22-24, 2008 to participate in the 2008 Young Elected Officials (YEO) Network National Conference. Source of Funds: The Young Elected Officials Network. (Nguyen)  
(Rules Committee referral 3/12/08)

### 2.9 [Excused Absence for Councilmember Williams.](#)

**Recommendation:** Request for an excused absence for Councilmember Williams from the Closed Session meeting of the City Council on March 11, 2008 due to Authorized City Business: Attendance at the San Francisco Bay Regional Water Quality Control Board meeting in Oakland, CA to discuss Municipal Regional Stormwater NPDES permits. (Williams)  
(Rules Committee referral 3/12/08)

## 2. CONSENT CALENDAR

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### 2.10 Councilmember Campos' Travel to Sacramento, CA.

**Recommendation:** Approval of travel by Councilmember Campos to Sacramento, CA on April 17-18, 2008 to attend the League of California Cities Board of Director's Meeting. Councilmember Campos is a League of California Cities Board Member. Source of Funds: Mayor/Council Travel Fund. (Campos)

\* (Rules Committee referral 3/19/08)

### 2.11 Excused Absence for Councilmember Williams.

**Recommendation:** Request for an excused absence for Councilmember Williams from the Closed Session and Regular meeting of the City Council on March 25, 2008 due to Authorized City Business: Leading San José/Okayama, Japan's Sister City delegation to Okayama, Japan for the 50<sup>th</sup> anniversary celebration of the City of San José and Okayama, Japan's Sister City Relationship. (Williams)

\* (Rules Committee referral 3/19/08)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Debra Figone (Verbal Report)

### 3.2 Report of the Rules and Open Government Committee Mayor Reed, Chair

- (a) Report of the Rules and Open Government Committee of March 12, 2008  
\* **RECOMMEND DEFERRAL TO 4/8/08 PER CITY CLERK**

### 3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair – *No Report.*

### 3.4 Report on Team San José Conflict Issues.

**Recommendation:**

- (a) Accept Report on potential conflict issues arising from overlapping executives and directors of Team San José and the San José Convention and Visitors Bureau.  
(b) Direct the administration and the Attorney's Office to negotiate contracts with each corporation that have clearly stated purposes and performance measures and that their separate funding sources not be commingled or used in a way that conflicted with the City goals for each.

(City Attorney's Office)

**RECOMMEND DEFERRAL TO 4/8/08 PER CITY ATTORNEY**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Campaign Contribution Ordinance regarding Employee Work on Political Campaigns.

##### Supplemental – Memo from the City Attorney

- \* **Recommendation:** As recommended by the Elections Commission , approve an [ordinance](#) amending Section 12.06.050 of Chapter 12.06 of Title 12 of the San José Municipal Code (Campaign Contribution Ordinance) to provide that compensation in any amount by an employer to an employee who spends any compensated time rendering services for political purposes is a contribution or an expenditure if service is rendered at the request, direction, or with the consent of the employer and amending Section 12.06.250 to provide that except to the extent that Chapter 12.06 limits contributions by business entities, the provisions of the Political Reform Act shall apply. (City Attorney's Office)

#### 3.6 2007 Community Survey Report.

**Recommendation:** Acceptance of the 2007 Community Survey Report. CEQA: Not a Project. (City Manager's Office)

- \* **RECOMMEND DEFERRAL TO 4/8/08 PER ADMINISTRATION**

#### 3.7 Ordinance regarding the Filing of Disclosure of Fundraising Reports.

##### Supplemental – Memo from the City Attorney

- \* **Recommendation:** Approval of [an ordinance](#) that amends Section 12.16.040 of Chapter 12.16 of Title 12 of the San José Municipal Code to require that disclosure reports for fundraising solicitations be filed by elected City officials in accordance with the deadlines for campaign statements. (City Attorney's Office/City Clerk)
- \* (Deferred from 3/18/08 – Item 3.4)

#### 3.8 Report on Request for Proposal for Security Guard Services for several City Departments.

##### Supplemental – Memo from the Director of Finance

- \* **Recommendation:**
    - (a) Report on Request for Proposal (RFP) for Security Guard services for the Departments of General Services, Transportation, Parks Recreation and Neighborhood Services, Aviation, and Office of Economic Development (Work2Future) and adoption of a resolution authorizing the Director of Finance to:
      - (1) Execute an agreement with First Alarm Security & Patrol, Inc. for security guard services for a one year term and a not-to-exceed compensation of \$1,932,500.
      - (2) Execute amendments to the agreement to add and delete guard services as required subject to appropriation of funds.
      - (3) Exercise four one-year options to renew the agreement subject to annual appropriation of funds.
- CEQA: Not a Project. (Finance)
- \* (Deferred from 3/18/08 – Item 3.7)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair – *No Report.*

### 4.2 [Public Hearing on the draft Consolidated Plan Annual Action Plan for Fiscal Year 2008-2009.](#)

**Recommendation:** Conduct a Public Hearing on the draft Consolidated Plan Annual Action Plan for FY 2008-2009, which is required by the Department of Housing and Urban Development in order to receive federal Housing and Community Development Funding, and announce that as of March 25, 2008, the draft Action Plan is available to the public for thirty-days for review and comment. CEQA: Not a Project. (Housing)

### 4.3 [Approval of amendments to the Zoning and Sign Ordinances.](#)

**Recommendation:** Consideration of [an ordinance](#) amending Chapter 20.100 of Title 20 (the Zoning Ordinance) and Chapter 23.02 of Title 23 (the Sign Ordinance) of the San José Municipal Code to provide for a development permit adjustment for minor work requiring Historic Preservation Permit Adjustments at City Landmark and Historic District sites and structures. CEQA: Not a Project. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

### 4.4 [Setting a new Fee Schedule for Tow Services Agreements.](#)

**Recommendation:**

- (a) Adoption of a resolution superseding Resolution No. 71324 setting the new Fee Schedule for Tow Services agreements to be effective April 1, 2008, providing as follows:
  - (1) The City of San José Tow Service charges will not exceed the maximum rates allowed under the 2007-2008 State of California Department of Highway Patrol Tow Services Agreement for the Golden Gate Region - San José Office of \$140 for Basic Tow Services and \$40 for Vehicle Storage.
  - (2) The contractual rates of compensation to the City will be:
    - (a) \$ 60.00 per tow
    - (b) \$ 6.00 per dispatch.
- (b) Adoption of a resolution amending City Council Policy No. 9-08 setting forth revised criteria for the setting of future tow rates to provide that the City of San José Tow Service charges will not exceed the maximum annual rates set by the State of California Department of Highway Patrol Tow Services Agreement for the Golden Gate Region - San José Office.

CEQA: Not a Project. (Planning, Building and Code Enforcement)



## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.5 [Acceptance of the Report on Measurable Improvement in the Development Permit Process.](#)

**Recommendation:** Acceptance of the report regarding progress made towards measurable improvement in the development permit process. CEQA: Not a Project. (Planning, Building and Code Enforcement).

\* **TO BE HEARD FIRST IMMEDIATELY FOLLOWING CONSENT CALENDAR**

### 4.6 [Community Identification Signage bearing the name “Little Saigon” along Story Road.](#)

\* **Recommendation:** As recommended by the Rules and Open Government Committee of March 19, 2008, and as outlined in the memo previously submitted to and approved by the Rules and Open Government Committee:

- (a) [Adoption of a resolution amending Council Policy 9-3](#), which allows for private parties to fund the construction and installation of Community Signs, to create a streamlined process to permit the prompt installation of temporary Community Signs where the Council has previously made an explicit finding that a particular identifying name has “widespread support” in a relevant community. Any temporary signs will be required to comply with safety and other regulatory requirements imposed by the Department of Planning, Building and Code Enforcement, within their authority under the Sign Ordinance. Such temporary Community Signs will not be permitted to stand longer than 3 years, unless the sign complies with provisions for permanent Community Signs in Council Policy 9-3.
- (b) In light of the City Council’s March 4, 2008 findings that the name “Little Saigon” has widespread support in the Vietnamese-American community, the City Manager will allow for private individuals to fund, construct, and install – relying wholly on private funds – a temporary Community Sign(s) bearing the name “Little Saigon” at or near the intersection of Story and McLaughlin Roads in accordance with Council Policy 9-3.
  - (1) That sign or banner will not remain within or over the public right-of-way for a duration of greater than 3 years, and must comply with all reasonable safety and other regulatory requirements imposed by the Department of Planning, Building and Code Enforcement, within their authority under the Sign Ordinance.
  - (2) Planning Staff will process whatever application is presented by private individuals seeking to construct a permanent Community Sign, in accordance with existing procedures in Council Policy 9-3.
- (c) In the meantime, City Staff will:
  - (1) Conduct required outreach under Council Policy 9-3 and the Sign Ordinance for the permanent installation of such a Community Sign at or near that location; and,

*(Item continued on the next page)*

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.6 Community Identification Signage bearing the name “Little Saigon” along Story Road. (Cont’d.)**

#### **Recommendation:**

- (c) (2) Continue its work in creating and implementing a process to enable communities to identify and designate a particular district, consistent with the Council’s March 4, 2008 direction.

(Mayor/Cortese/Liccardo/Nguyen)

**TO BE HEARD NO EARLIER THAN 3:30 P.M.**

\* [Rules Committee referral 3/19/08 – Item (G)(1)]

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Report of the Neighborhood Services and Education Committee – [March 10, 2008](#) Councilmember Chirco, Chair**

- (a) Library Smart Start Program Update. (Library)
- (b) Library Internet Access Policy. (Library)  
**Deferred**
- (c) Report on Secondary Unit Program. (Housing/Planning, Building and Code Enforcement)  
**TO BE HEARD BY COUNCIL 4/8/08**
- (d) Report on Reuse of Community Centers – Funding and Source of Funding/  
Facility Re-use Policy Recommendations. (Parks, Recreation and Neighborhood  
Services)  
**Recommend Deferral to April 2008**
- (e) Graffiti and Litter Update. (Parks, Recreation and Neighborhood Services)
- (f) Update on Community Sports Field Study. (Parks, Recreation and Neighborhood  
Services)
- (g) Report on BEST Final 2006-07 Evaluation. (Parks, Recreation and Neighborhood  
Services)
- (h) Strong Neighborhoods Monthly Update. (City Manager’s Office)
  - (1) Neighborhoods Commission Update.
- (i) Schools/City Collaborative Monthly Update. (City Manager’s Office)
  - (1) Reports from School Safety, Joint Use, and Teacher Recruitment/  
Retention Sub-committees.
- (j) Oral Petitions
- (k) Adjournment

## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Report of the Transportation and Environment Committee Councilmember Williams, Chair – *No Report.***

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.2 [Submission of a grant application to the Federal Aviation Administration.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to apply for, accept, and execute any necessary documents upon receipt, grants from the Federal Aviation Administration in an amount not to exceed \$14.0 million to be used to partially defray the total estimated costs of \$17.3 million for the South Apron Replacement – Design and South Apron Replacement - Phase 1 Construction Projects at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-029. (Airport)

### 6.3 [Amendment to the Airport Shuttle Bus Agreement.](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute the fourth amendment to the Agreement for the Lease and Maintenance of Airport Shuttle Buses with Penske Truck Leasing Co., L.P. to extend the term of the lease for an additional three month period, from April 1, 2008 to June 30, 2008, increasing total compensation by \$350,000 from \$16,497,145 to a not to exceed amount of \$16,847,145. CEQA: Not a Project. (Finance)

### 6.4 [Approval of actions related to the Airport Commercial Paper Extension Program.](#)

[Supplemental – Memo from the Directors of Finance and SJ International Airport](#)  
[Supplemental 2 – Memo from the Directors of Finance and SJ International Airport](#)

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**Recommendation:**

- (a) Hold a Tax Equity and Fiscal Responsibility Act hearing for the expansion of the City's commercial paper note program from a maximum principal amount of \$450 million outstanding at any one time to a maximum principal amount of \$600 million outstanding at any one time and for the issuance as part of a plan of finance of one or more issues of commercial paper notes to finance and refinance costs of facilities and capitalized interest associated with the implementation of the Airport Master Plan at the Norman Y. Mineta San José International Airport, to refund the City's outstanding Airport Revenue Bonds, Series 2004A and Series 2004B previously issued to pay costs of such facilities and to refund or to pay debt service on other obligations of the City issued to pay such costs.
- (b) Adoption of a Resolution of the Council of the City of San José amending Resolution No. 69200, as amended, to increase from \$450 million to \$600 million the maximum principal amount of commercial paper notes that may be outstanding at any one time under Resolution No 69200, as amended; and to provide for the issuance of such notes to finance and refinance project costs and capitalized interest associated with implementing the Airport Master Plan at the Norman Y. Mineta San José International Airport, to refund the City's outstanding Airport Revenue Bonds, Series 2004A and Series 2004B and to refund or to pay debt service on other obligations of the City issued to pay such costs; and Delegating to the Director of Finance and to other Officers of the City authorization to establish terms and conditions for the issuance and payment of said Notes, and to take other necessary actions and to prepare, execute and deliver the necessary documents in connection therewith.

*(Item continued on the next page)*

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.4 Approval of actions related to the Airport Commercial Paper Extension Program. (Cont'd.)

**Recommendation:**

- (c) Adoption of a Resolution authorizing the Director of Finance to negotiate and execute and deliver a Letter of Credit and Reimbursement Agreement with Lloyds TSB Bank plc, acting with its New York Branch, a First Amendment and Supplement to the Issuing and Paying Agent Agreement with Deutsche Bank Trust Company Americas and a Dealer Agreement with each of Citigroup Global Markets Inc., Lehman Brothers Inc. and Morgan Stanley & Co. Incorporated relating to the City's Subordinate Commercial Paper Notes for the Norman Y. Mineta San José International Airport; and other necessary documents in connection therewith; and delegating authority to the Director of Finance and to other officers of the City to establish terms and conditions relating thereto.

CEQA: Not a Project. (Finance)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Consultant master agreements for various Capital Improvement Projects at the Water Pollution Control Plant.

Attachment – Plant Advisory Committee Recommendation

**Recommendation:**

- (a) Approval of consultant master agreements with the following firms for various capital improvement projects at the San José/Santa Clara Water Pollution Control Plant for a term commencing upon approval of the agreement and continuing through June 30, 2013 and for the amounts stated below, and providing the City with options to amend the agreements to increase the amounts payable in such amounts as may be approved by Council:
- (1) Black & Veatch in an amount not to exceed \$1 million.
  - (2) Brown and Caldwell in an amount not to exceed \$5 million.
  - (3) Carollo Engineers in an amount not to exceed \$1 million.
  - (4) CH2M HILL in an amount not to exceed \$1 million.
  - (5) Metcalf & Eddy in an amount not to exceed \$1 million.

CEQA: Not a Project. (Environmental Services)

## 8. PUBLIC SAFETY SERVICES

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### 8.1 [Report on bids and award of contract for the Police Communication Building Telecom Cabling Upgrades.](#)

**Recommendation:** Report on bids and award of a design-build contract for the Police Administration Building and Police Communications Building Telecom Cabling Upgrades to the low bidder, SASCO Data Corporation, for the base bid and an Add Alternate in the total amount of \$1,383,797, and approval of a contingency in the amount of \$210,000. CEQA: Exempt, File No. PP07-275. (Public Works/Police/Fire)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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*See Item 8.1 “Approval of an amendment to the OPA with Pacific Properties III for the Sainte Claire Building” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

### • Notice of City Engineer’s Pending Decision on Final Maps

\* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9968	South side of Rose Avenue, 120 feet east of Nancy Lane	5	Capital Towne House Cooperative, Inc.	8 Lots / 82 Units	Apartment Conversion to Condos	Approve

- Notice of City Engineer’s Award of Construction Projects
- Open Forum
- Continue RDA Board Meeting (immediately following Open Forum)
- Adjournment

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.